IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1177 OF 1999

IN

NOTICE OF MOTION NO.158 OF 1997

IN

SUIT NO.4823 OF 1997

Narendrakumar R. Parashar ...Appellant

v/s

Mrs Asha S. Vyas ...Respondent

Mr K.R. Parekh for Appellant.

None for Respondent.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 8TH OCTOBER 2007.

P.C. :-

1. This appeal is directed against the order dated 25th February 1999 passed by the learned Single Judge in notice of motion No.158 of 1997. The plaintiff in his capacity as a child of ex-serviceman was allotted the tenement by the Maharashtra Housing and Area Development Authority. The defendant is his sister. He transferred his entitlement in favour of the sister. The learned Single Judge has prima facie found that the entire amount of consideration was paid to MHADA by the defendant and therefore the MHADA appeared to have transferred the tenement in favour of the defendant. The learned Single Judge has therefore held that the plaintiff does not have prima facie case in his favour and he has no right to claim the tenement from MHADA.

2. After having heard the learned counsel appearing for appellant, we see no reason to interfere with the order passed by the learned Single Judge. It is prima facie clear from the record that it is only at the behest of the plaintiff that the defendant invested money in the tenement. After having invested the money in the tenement by the defendant, in our opinion, the plaintiff is not justified in going back on his

representation. As observed above, we see no reason to interfere with the order passed by the learned Single Judge. Appeal is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)